

REMARKS

This amendment is responsive to the Office Action dated May 27, 2009, and received in this application. Claims 12 and 20-39 have been cancelled. Claim 40, which previously depended from claim 20, has now been amended and placed in independent form, incorporating the features of claims 39 which depended from claim 12. New claims 41-58 have been added. *No new matter has been added.* Support for this amendment may be found variously throughout the Specification, including, but not limited to paragraphs [0054] and [0142] to [0146] of the Specification.

Claims 40-58 remain pending in the application. Reconsideration and allowance of the pending claims is respectfully requested.

Claim 40 has been rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim what Applicant regards as the invention.

Applicants express appreciation for the Examiner's attention in this matter. Claim 40 has been amended so as to overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12 and 20-40 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,689,458 to Mikoshiba '458 et al ("Mikoshiba '458") and U.S. Patent No. 6,411,344 to Fujii et al ("Fujii") in view of U.S. Patent No. 6,025,958 to Yamaoka et al ("Yamaoka").

With regard to claims 12 and 20-39, while not conceding the propriety of these rejections, Applicant submits that they are moot in view of the cancellation of claims 12 and 20-39, and thus requests that they be withdrawn.

With regard to claim 40, claim 40, which previously depended from claim 20, has now been amended and placed in independent form, incorporating the features of claims 39 which depended from claim 12. The Advisory Action of August 12, 2009 indicated that this amendment "presents a new combination of limitations that was not previously considered and would require further search and consideration." (Advisory Action of August 12, 2009, p. 2, ll. 1-2.)

Applicant submits that as amended, claim 40 is in condition for allowance.

New Claims 41-58

New claims 42-58 depend from independent claim 41. Mikoshiba '458, Fujii, and Yamaoka, either alone or in any permissible combination, fail to disclose or suggest the features recited in these claims.

Specifically, Mikoshiba '458 fails to disclose or suggest “[a] transparent conductive laminate comprising... said fixed electrode substrate including: a second polymer film exhibiting a $\lambda/4$ retardation.”

Additionally, neither Yamaoka nor Fujii remedy the deficiencies of Mikoshiba '458. Specifically, both Yamaoka and Fujii fail to disclose or suggest “[a] transparent conductive laminate comprising... said fixed electrode substrate including: a second polymer film exhibiting a $\lambda/4$ retardation.”

Accordingly, it is believed that claims 41-58 are in condition for allowance

CONCLUSION

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance. Reconsideration and allowance are respectfully requested.

This response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of the claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicants believe no additional fee is due with this response. However, if an additional fee is due, please charge our Deposit Account No. 18-0013, under Order No. TEI-0132 from which the undersigned is authorized to draw.

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Respectfully submitted,

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